

Prob 12B

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION  
WITH CONSENT OF THE OFFENDER**

*(Probation Form 49, Waiver of Hearing, is on file)*

**Offender Name:** James Lee MERRILL

**Docket Number:** 2:00CR00597-01

**Offender Address:** Glen Ellen, California

**Judicial Officer:** Honorable William B. Shubb  
United States District Judge  
Sacramento, California

**Original Sentence Date:** 09/05/2001

**Original Offense:** 18 USC 844(i) - Arson (CLASS C FELONY)

**Original Sentence:** 51 months custody Bureau of Prisons; 3 years Supervised Release; \$100 special assessment; Mandatory drug testing.

**Special Conditions:** Warrantless search; Financial restrictions and disclosure; Substance abuse testing, treatment, and co-payment; Arson registration; Not associate with any violent hate groups, organizations, or display materials associated with hate groups.

**Type of Supervision:** Supervised Release

**Supervision Commenced:** 08/08/2005

**Assistant U.S. Attorney:** R. Steven Lapham      **Telephone:** 916-554-2700

**Defense Attorney:** Dennis Waks      **Telephone:** 916-498-5700  
Assistant Federal Defender

**Other Court Action:** None.

**RE: James Lee MERRILL**

**Docket Number: 2:00CR00597-01**

**PETITION TO MODIFY THE CONDITIONS OR TERM  
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**PETITIONING THE COURT**

**To modify the conditions of supervision as follows:**

1. As directed by the probation officer, the defendant shall participate in a program of mental health treatment (inpatient or outpatient).
2. As directed by the probation officer, the defendant shall participate in a co-payment plan for treatment or testing and shall make payment directly to the vendor under contract with the United States Probation Office of up to \$50 per month.

**Justification:** The releasee recently relocated to the Northern District of California, and secured a residence and employment. As a condition of accepting supervision of this case, the Northern District of California Probation Office is requesting the releasee participate in mental health counseling to address behavioral issues, and seek assistance in accepting and living with his crime of conviction. This officer agrees the releasee would benefit from such counseling, and the releasee has agreed to participate in counseling. An increase in the co-payment option was requested by the Northern District of California, and appears appropriate given the releasee's income. The Prob Form 49 - Waiver of Hearing to Modify Conditions, has been executed by the releasee and is on file.

**RE: James Lee MERRILL  
Docket Number: 2:00CR00597-01  
PETITION TO MODIFY THE CONDITIONS OR TERM  
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Respectfully submitted,

/s/ Dayna D. Ward

**DAYNA D. WARD  
Senior United States Probation Officer  
Telephone: 916-786-2989**

**DATED:** May 9, 2007  
Roseville, California  
ddw:cd

**REVIEWED BY:** /s/ Richard A. Ertola  
**RICHARD A. ERTOLA**  
**Supervising United States Probation Officer**

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**THE COURT ORDERS:**

(X ) Modification approved as recommended.

Date: May 10, 2007

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

**RE: James Lee MERRILL**  
**Docket Number: 2:00CR00597-01**  
**PETITION TO MODIFY THE CONDITIONS OR TERM**  
**OF SUPERVISION WITH CONSENT OF THE OFFENDER**

cc: United States Probation  
R. Steven Lapham, Assistant United States Attorney  
Dennis Waks, Assistant Federal Defender  
Defendant  
Court File